

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

| | | |
|--------------------------------|---|------------------------------------|
| DENNIS MONTGOMERY, et al., |) | 3:06-CV-0056-PMP (VPC) |
| |) | |
| Plaintiffs, |) | <u>MINUTES OF THE COURT</u> |
| |) | |
| vs. |) | May 7, 2008 |
| |) | |
| ETREPPID TECHNOLOGIES, et al.) |) | |
| |) | |
| Defendants. |) | |
| |) | |

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PETITIONER(S): NONE APPEARING

COUNSEL FOR RESPONDENT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

The Montgomery parties' *ex parte* emergency motion for clarification (#580) is **GRANTED**. The response to Michael Flynn's motion for sanctions (#545) is due on **Monday, May 12, 2008**.

The Montgomery parties have filed two *ex parte* motions in the past week (#s 569 & 580). Counsel are advised that the term “*ex parte*” is an adjective defined by Black’s Law Dictionary as something “done or made at the instance and for the benefit of one party only, and without notice to, or argument by, any person adversely interested . . .” The court is concerned that counsel are using the term *ex parte* to indicate an emergency when, in fact, they have only to state that the motion is an emergency. The court has also noted that not all interested parties are being served electronically through the court’s CM/ECF system when a document is filed *ex parte* because the filing party is selecting only certain counsel to be served. The parties are ordered not to use the *ex parte* indication on their emergency filings in the future.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____ /s/ _____
Deputy Clerk